

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

MARY J. DOWNING,)
)
Plaintiff,)
)
v.) CAUSE NO. 1:12-CV-22-TLS
)
DEPARTMENT OF HEALTH)
AND HUMAN SERVICES, sued as)
Kathleen Sebelius, Secretary,)
)
Defendant.)

ORDER

The Plaintiff Mary J. Downing, proceeding pro se, appealed a final decision of the Secretary of the Department of Health and Human Services (“Secretary”) denying her Medicare Part B coverage for six ambulance transports. Pursuant to 28 U.S.C. § 636(b)(1)(B), Federal Rule of Civil Procedure 72(b), and Local Rule 72-1, the District Court referred this case to Magistrate Judge Roger B. Cosbey for the issuance of a Report and Recommendation. On March 6, 2013, the Magistrate Judge issued his Report and Recommendation [ECF No. 32], recommending that the final decision of the Secretary be affirmed.

This Court’s review of a magistrate’s report and recommendation is governed by 28 U.S.C. § 636(b)(1), which provides in part:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.

The statute permits objections to the magistrate’s report and recommendations to be made within fourteen days of service of a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b) (setting forth

procedures for objecting to a magistrate's report and recommendation and the district court's resolution of any objections).

As of the date of this Order, no objection to the Report and Recommendation has been filed, and the time for making objections has now passed. The Court has reviewed the Report and Recommendation submitted by Judge Cosbey and finds that his proposed disposition is well taken in that the decision of the Administrative Law Judge and the Medicare Appeals Council, which became the final decision of the Secretary, is supported by substantial evidence and does not contain legal error.

The Court ADOPTS the Report and Recommendation [ECF No. 32] in its entirety and ACCEPTS the recommended disposition. The Secretary's decision is AFFIRMED.

SO ORDERED on March 26, 2013.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT